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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/186,270 11/04/98 GANTT

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GATES & COOPER
6701 CENTER DRIVE WEST
SUITE 1050
LOS ANGELES CA 90045

TM02/0524

EXAMINER

SEALEY, L

ART UNIT

PAPER NUMBER

2671

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/186,270	Applicant(s) GANTT, BRIAN DOYLE	
	Examiner Lance W. Sealey	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/2/01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 14, 15, 21, 24, 25, 28, 38, 39, 45, 48-51 and 65-68 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-13, 16-20, 22, 23, 26, 27, 29-44, 46, 47, 52-64 and 69-81 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

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Allowable Subject Matter

1. Claims 2-3, 5-13, 16-20, 22-23, 26-27, 29-44, 46-47, 52-64 and 69-81 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all novelty-related rejections set forth in this Office action:

A person shall be entitled to a patent unless—

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by applicant for patent.

3. Claims 1, 4, 21, 25, 28, 45, 48-51 and 65-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Venolia (U.S. Pat. No. 5,463,722).

4. Venolia, in disclosing automatic alignment of objects in two-dimensional and three-dimensional display space using an alignment field gradient, also discloses, with respect to claims 1, 25, 48 and 65, a method of operating a computer aided design system in presumptive mode, comprising the steps of:

- moving a selected graphic object relative to a graphic pointing symbol (col.5, ll.5-8);
- determining when the selected graphic object is within a predetermined proximity of an underlying graphic object (col.5, ll.8-11);
- manipulating the selected graphic object into a geometric relationship with the underlying graphic object according to predetermined geometric rules (col.5, ll.8-11); and

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- dynamically updating the geometric relationship based on movement of the graphic pointing symbol while the graphic pointing symbol remains within the predetermined proximity of the underlying graphic object (col.5, ll.8-11).
5. Concerning claims 4 and 28, Ventolia discloses positioning the selected graphic object at a predetermined offset relative to the underlying graphic object as part of the manipulating step (col.5, ll.8-11).
6. Regarding claims 21 and 45, Ventolia discloses a method of operating a computer aided design system, comprising the steps of:
- providing at least one graphic object to be selected for insertion into a graphic design (col.9, ll.30-37);
 - displaying and moving a selected graphic object with a graphic cursor moved within the graphic design (col.10, ll.21-27);
 - when the selected graphic object is within a predetermined proximity with respect to one or more underlying graphic objects, automatically manipulating the selected graphic object into a geometric relationship with the underlying graphic object (col.5, ll.8-11); and
 - dynamically updating the geometric relationship based on movement of the graphic cursor while the graphic cursor remains within the predetermined proximity of the underlying graphic object (col.5, ll.8-11).
7. With respect to claims 49 and 66, Ventolia discloses computer input device control of a pointing symbol (col.5, ll.5-8).

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8. Concerning claims 50 and 67, Ventolia discloses the points of interest being determined by predefined rules (col.5, ll.5-8).

9. Regarding claims 51 and 68, Ventolia discloses the predefined rules limiting selection of the first graphic object (col.10, ll.21-27).

10. In view of the foregoing, it is concluded that the above claims have been anticipated by Venolia.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 14-15 and 38-39 are rejected, under 35 U.S.C. 103(a) as being unpatentable by Venolia in view of Eckart (U.S. Pat. No. 5,408,606).

13. Venolia does not disclose, with respect to claims 14-15 and 38-39, partially deleting only selected ones of a plurality of graphic objects corresponding to the objects' respective clip regions. However, this is disclosed by the Eckart computer graphics system at col.1, ll.26-33.

14. Therefore, it would have been obvious to a person with ordinary skill in the art at the time this invention was made to arrange for partial deletion of only selected ones of a plurality of

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graphic objects corresponding to the objects' respective clip regions. Such a combination of these two references would enhance clarity and eliminate waste by cutting away parts of objects that lie outside the viewport (Eckart, col.1, ll.31-33).

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable by Venolia in view of Rostoker et al. ("Rostoker," U.S. Pat. No. 5,623,418).

16. Venolia does not disclose a database/file structure in its CAD system. Such a structure is disclosed by the Rostoker CAD system:

- The display device is disclosed at **1606** in FIG.29;
- The data base, the object files and the design files are disclosed at col.9., ll.27-33--the object files perform the same function as the applicants' design files; and
- The processor is disclosed at **2401** in FIG.29.

17. Therefore, it would have been obvious to a person with ordinary skill in the art at the time this invention was made to arrange for a database structure. Such a combination of these two references would ensure that the object simulation structures are always current and representative of the schematic diagram as displayed at a given moment (Rostoker, col.10, ll.18-21).

Response to Remarks

18. The applicants assert that Venolia teaches away from their invention because Venolia does not manipulate the selected graphic object into a geometric relationship with the underlying object according to predetermined geometric rules because the selected graphic object in Venolia is

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merely brought into contact with the underlying object according to manual manipulation of the selected graphic object. However, Ventolia still fulfills this element of claims 1, 25, 48 and 65 as currently drafted because while in the Ventolia gradient, the object is indeed manipulated according to geometric rules (FIGS. 7A, 7B and 7C and col.6, l.60-col.7, l.1).

19. The applicants also assert that Ventolia teaches away from their invention because Ventolia does not teach dynamically updating the geometric relationship based on movement of the graphic pointing symbol while the graphic pointing symbol remains within the predetermined proximity of the underlying graphic object because the selected graphic object in Venolia remains in contact with the underlying object even when moved. However Ventolia also fulfills this element of claims 1, 25, 48 and 65 as currently drafted because dynamic updating is accomplished when the first object is moved toward the second object with the graphic pointing symbol (cursor) while the graphic pointing symbol (on the first object) remains within the predetermined proximity of the underlying graphic object (second object) (see col.4, l.67-col.5, l.14).

20. Therefore, the rejections still stand and **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

22. Any inquiry concerning this communication should be directed to Lance W. Sealey at (703) 305-0026.

A handwritten signature in cursive script, appearing to read "Mark Zimmerman", with a long horizontal flourish extending to the right.

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600